

MISSING PERSONS LEGISLATION

68

Tab G

~~SECRET~~

MISSING PERSONS LEGISLATION

The Missing Persons Act (P. L. 490, 77th Congress), as amended, which authorizes heads of agencies to designate Federal civilian and military personnel as missing-in-action or dead and to continue their salaries, allowances and allotments during a missing status, will expire 1 February 1954. Since this legislation is of prime importance in supporting the execution of this Agency's mission, the imminent expiration of the Act presents a grave problem. Appropriate legislation is requested to alleviate this situation.

The necessity for legislation which will provide this Agency with the essential authorities it now has under the Missing Persons Act is inherent in the employment of overseas personnel under conditions of strife among nations, whether it be civil or military, localized or world-wide, surreptitious or overt. The severity of the need varies with the world situation. During the time of war, for example, military personnel are extensively and primarily concerned. Although missing-in-action cases are fewer in number in peacetime, the present and prospective world tensions presage the continued exposure for an indefinite period of civilian and military personnel to possible apprehension by unfriendly forces. Central Intelligence Agency personnel are especially vulnerable to seizure by hostile foreign forces. This results in part from the necessity for overseas operations and in part from the nature of intelligence activities. Personnel engaged in intelligence operations may be subjected to sinister and ruthless action; in this sense, the risks assumed by certain Agency employees are abnormal in relation to those experienced by other civilian employees and by military personnel in time of peace.

Notwithstanding the magnitude of the problem at any given period, permanent legislation appears warranted as long as there is any threat of seizure of overseas personnel. Current legislation achieves two principal purposes. First, administrative requirements are established for making individual determinations of missing status or death, and, second, provision is made for the continuance or termination of compensation, allowances and allotments, as appropriate. That an administrative determination should be made of an individual's status - missing or dead - seems elemental; a finding of status is necessary for various reasons such as the notification of dependents and beneficiaries, and the settlement of unpaid compensation. Moreover, various legal actions are dependent upon and emanate from a determination of death, such as changes in marital status, payment of insurance, settlement of estates and receipt of certain governmental benefits.

The Agency's career service is predicated upon the willingness of its employees to accept an obligation to undertake any assignment at any location in the interest of the United States. Acceptance of this commitment is deemed essential to the Agency's operations even though it may require an employee to assume assignments and risks which are personally undesirable. The Agency recognizes, however, that such stringent demands must be counterbalanced by an assurance to its personnel that their dependents will have

some protection against financial adversity in the event detention occurs, and in the event of death that a prompt legal determination of death may be effected. The Agency believes that overseas employees exposed to risk regard the financial repercussions of their possible seizure as a matter of paramount concern. Accordingly, the proper recruitment and utilization of personnel and the maintenance of an Agency career service amply justify the continuance in this Agency of the authorities which it now has under the present Missing Persons Act. This Agency believes that its needs can best be met by permanent legislation.